

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:02-00284

JEROME SAUNDERS II

MEMORANDUM OPINION AND ORDER

On August 11, 2008, the defendant appeared in person and by counsel, Assistant Federal Public Defender David R. Bungard, the United States appeared by Assistant United States Attorney R. Booth Goodwin, and both Beth Srednicki and Keith Zutat of the Probation Office of this court appeared for the purpose of considering a petition to revoke the defendant's supervised release.

At the commencement of the hearing, defense counsel stated that the defendant would admit the charged violations. Following the government's statement that it was satisfied with such admission, the court found by a preponderance of the evidence that the defendant had violated the terms of his supervised release as stated in the petition of the United States.

The court then stated the applicable Guideline levels as follows:

1. Pursuant to U.S.S.G. § 7B1.1(b), the most serious grade of supervised release violation is B.
2. The Criminal History Category is I.

3. The Guideline range for imprisonment is four (4) to ten (10) months.

The court notes that, pursuant to United States v. Davis, 53 F.3d 638 (4th Cir. 1995), the Guideline range is advisory only. Pursuant to 18 U.S.C. § 3583(e)(3), the court may impose a maximum term of imprisonment of sixteen months.

The court recognized defense counsel, the defendant, and the Assistant United States Attorney for remarks regarding an appropriate resolution of this matter. For the reasons stated on the record, the court **ORDERED** that the defendant serve a term of imprisonment of ten (10) months with no subsequent term of supervised release. The ten-month term of imposed herein is to run concurrently with the thirty-six-month term of imprisonment imposed in Criminal Action Number 2:08-00049. The court **RECOMMENDS** to the Bureau of Prisons that the defendant be incarcerated at FCI Ashland or the nearest suitable facility. The court further **RECOMMENDS** to the Bureau of Prisons that the defendant be permitted to participate in an intensive drug treatment program and that defendant be granted access to psychiatric counseling.

The court informed the defendant of his right to appeal the sentence imposed and the requirement that in order to initiate such an appeal, a Notice of Appeal must be filed in this court within 10 days. The defendant was advised that if he wished to

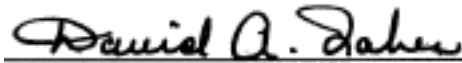
appeal the sentence and could not afford to hire counsel to represent him on appeal, the court would appoint counsel for him. The defendant was further advised that if he so requested, the Clerk of the Court would prepare and file a notice of appeal on his behalf.

At the conclusion of the sentencing, the defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to mail a copy of this Memorandum Opinion and Order to counsel of record, the United States Marshal for the Southern District of West Virginia, and the Probation Office of this court.

It is **SO ORDERED** this 20th day of August, 2008.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber  
United States District Judge